

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

DAVID GRAHAM GOODMAN,

Plaintiff,

v.

KENNETH W. STOLLE, ET AL.,

Defendants.

Civil Action No. 1:13-cv-540

[PROPOSED] ORDER

This matter comes before the Court on Plaintiff's Motion For Sanctions Pursuant To Rule 37(e). Upon consideration of the Motion, it is hereby:

ORDERED that Plaintiff's Motion For Sanctions Pursuant To Rule 37(e) is GRANTED; and it is further

ORDERED that Defendants may not renew their motion for summary judgment; and it is further

ORDERED that the jury will be instructed that there was video of both incidents, Plaintiff requested the video, and the Virginia Beach Sheriff's Office did not preserve it, and that the jurors should not assume that the lack of corroborating objective evidence undermines Plaintiff's version of events; and it is further

ORDERED that Defendants pay Plaintiff's attorneys' fees, costs, and expenses incurred in litigating Defendants' spoliation.

SO ORDERED this ____ day of November, 2021.

Alexandria, Virginia

The Honorable Ivan D. Davis
United States Magistrate Judge